

MORRISON, MAHONEY & MILLER

COUNSELLORS AT LAW
250 SUMMER STREET
BOSTON, MASSACHUSETTS 02210

617-439-7500

FACSIMILE 617-439-7590 OR 617-737-8890

TELEX 94-0878

700 PLEASANT STREET
NEW BEDFORD, MASSACHUSETTS 02740
508-999-0014
FACSIMILE 508-990-0316

1145 MAIN STREET
SPRINGFIELD, MASSACHUSETTS 01103
413-737-4373
FACSIMILE 413-739-3125

SIX LLOYDS AVENUE
LONDON, EC3N 3AX ENGLAND

01-488-2984

TELEX 8811764 FACSIMILE 011-44-1-4806158

ONE OLD STONE SQUARE
PROVIDENCE, RHODE ISLAND 02903
401-331-4660
FACSIMILE 401-351-4420

1130 MECHANICS BANK TOWER
100 FRONT STREET
WORCESTER, MASSACHUSETTS 01608
508-757-7777
FACSIMILE 508-752-6224

WRITER'S DIRECT DIAL NUMBER:

ALAN G. MILLER*
STEPHEN J. PARIS
ALAN H. ROBBINS
DAVID A. BAKST
PAUL W. GOODRICH
EDWARD T. CROSSIN
RICHARD R. EURICH
STEPHEN J. ANDRICK
MICHAEL DANK
JOEL F. PIERCE
RICHARD H. KETTINGELL
PETER C. KNIGHT

MARK P. HARTY
JEAN M. KELLEY
MARK S. GRANGER
ALAN M. REISCH
RICHARD E. BRODY
D. ALICE OLSEN
LAWRENCE F. BOYLE
MARK R. BEGALINI
PAUL S. GRANDA
ALAN S. RINDLER**
MICHAEL A. PEZZA, JR.
LEE STEPHEN MACPHEE**

JOSEPH S. BUCKLEY, JR.
ELIZABETH BUTLER
SAMUEL PERKINS
JOHN J. DAVIS
MICHAEL F. ATYWARD**
ELIZABETH M. FAMEY***
JAMES J. MORAN, JR.
WILLIAM F. BARRY
MITCHELL S. KING
GERALD FARIANO
BRUCE R. HENRY
JOSEPH A. REGAN

JAMES M. GRAHAM
VALERIE NOEL CIARDI
MURRAY I. RAPAPORT
JOANNE P. KEATING***
CAROL A. GRIFFIN+
LAWRENCE A. DUGAN+
PAUL J. MUELLO
LEONARD H. KESTEN
RALPH C. SULLIVAN
JEFFREY D. PETHICK***
JOHN F. BURKE, JR.
MARK E. DEFOSSEZ
MARGARET L. COSTA
HUNTER O'HANIAN
NANCY REGAN
WILLIAM BOGAERT
KAREN M. MORAN
FAITH A. LASALLE***
JOSEPH E. RENDINI+
JOHN A. SAKAKEENY
THOMAS C. FEDERICO
CAREY H. SMITH
THOMAS G. FIORE***
DAVID J. HIMMELBERGER+
THOMAS M. ELCOCK
GARY W. HARVEY
DAVID M. MCCARTHY
KIMBERLY M. SAILLANT

LINDA W. WILCOX
KATHRYN M. WINN+
DAVID E. MAGLIO***
KEVIN S. WREGE
MARY PAT RIELLY***
MARK W. MURPHY
JOSEPH F. STRUMSKI, JR.
MARK S. BOONER
MARK P. BAILEY
JANET MACNAB
JOSEPH SECKLER
CYNTHIA R. KOEHLER**
LAUREN B. PILLSBURY
RHONDA L. RITTENBERG
MARY M. PERRY
MICHAEL READY
JOHN C. WHITE
SEAN J. MILANO***
LAURIE J. CONDOES
JOCELYN M. SEDNEY**
THOMAS A. MONTMINY*
JAMES E. MCCAMBRIDGE, III
LAUREN MOTOLA-DAVIS***
MARY ELLEN FLYNN
MICHAEL A. FAGER
PAUL E. MITCHELL
ROBERT M. MACK
CAROLE A. SAKOWSKI

MARIA E. COUBINEAU
JUDITH A. PERRITANO
DANIEL R. BURKE
STEPHEN P. HARTEN
KARYN T. HICKE
RANDALL L. SOUZA***
GEORGE J. VOGRIN, JR.
DAVID W. HEINLEIN
AUSTIN T. POWELL
RITA B. GYLYS**
CHARLES H. YELEN
JAMES M. FAY**
CHRISTOPHER E. GRANT***
JOHN W. HAVERTY
PETER C. ANASTOS
SUSAN E. BERNSTEIN
HOLLE J. BEVINS
ANNE G. CLARK
ROBERT P. COOK
CYNTHIA STONE PHELAN
RACHEL BETH COHEN
CATHERINE J. CHANDLER
DAVID S. MACLEOD
FRED L. MASON
GORDON L. SYKES
ELIZABETH M. WATERFIELD

* ALSO MEMBER OF FLORIDA BAR
+ ALSO MEMBER OF NEW YORK BAR
Δ ALSO MEMBER OF NEW MEXICO BAR
† ALSO MEMBER OF MICHIGAN BAR
○ MEMBER OF CALIFORNIA BAR ONLY
● ALSO MEMBER OF MARYLAND BAR
** ALSO MEMBER OF NEW HAMPSHIRE BAR
*** ALSO MEMBER OF MAINE BAR

ΔΔ ALSO MEMBER OF RHODE ISLAND BAR
†† ALSO MEMBER OF ALASKA BAR
○○ MEMBER OF WASHINGTON D.C. BAR
AND NEW YORK BAR ONLY
** ALSO MEMBER OF NORTH CAROLINA BAR
*** ALSO MEMBER OF WASHINGTON D.C. BAR
ΔΔΔ ALSO MEMBER OF CONNECTICUT BAR
*** MEMBER OF RHODE ISLAND BAR ONLY

April 18, 1990

FEDERAL EXPRESS

Robert P. Powers, Esq.
Mellick & Porter
1 Joy Street
Boston, MA 02108

Re: Warren v B F Goodrich, et al.
Subpoena for Monsanto

Dear Mr. Powers:

I am writing to you as I understand that you are local counsel for Monsanto Company in Massachusetts. I am representing one of the defendants in the above case which is pending in Federal Court in Springfield Massachusetts.

I am enclosing a copy of a deposition subpoena which is being served on Monsanto in Springfield. As we are acting under a Court deadline we would like to go forward with the deposition of Monsanto on May 2, 1990 in our Springfield Office as indicated on the subpoena.

We recognize that it will not be possible to comply with all the sections of the two schedules on May 2. We would propose going forward only with Schedule A paragraphs 2, 3, 4, and 5 and with the production of documents in Schedule B of paragraphs C and D on May 2. The remaining documents and witnesses could be produced at a mutually convenient later date.

000179

MORRISON, MAHONEY & MILLER

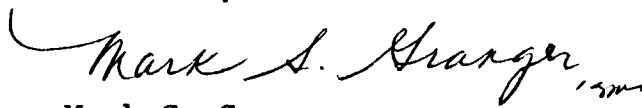
Robert P. Powers, Esq
April 18, 1990
Page 2

I would appreciate your getting back to me on this as soon as possible.

Thank you very much.

Very truly yours,

MORRISON, MAHONEY & MILLER


Mark S. Granger

MSG/smr

Enclosures

cc: Lane McGovern, Esq.
James Tourtelotte, Esq. ✓

000180

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

ALICE L. WARREN, ADMINISTRATRIX)
OF THE ESTATE OF JOHN H. WARREN,)
DECEASED,)
Plaintiff,)

C.A. No. 89-30201-F

v.)

THE DOW CHEMICAL COMPANY,)
THE B.F. GOODRICH COMPANY,)
WHITTAKER DEVELOPMENT CO.)
(FORMERLY GREAT AMERICAN CHEMICAL)
CORPORATION), UNION CARBIDE)
COMPANY, AMERICAN CYANAMID)
CORPORATION, AND CONTINENTAL)
OIL COMPANY,)
Defendants.)

NOTICE OF TAKING DEPOSITION

To: Lane McGovern, Esq.
Pierce O. Cray, Esq.
Ropes & Gray
One International Place
Boston, MA 02110

James H. Tourtelotte, Esq.
Robinson, Donovan, Madden &
Barry, P.C.
1500 Main St., Suite 1400
Springfield, MA 01115

PLEASE TAKE NOTICE that, pursuant to the provisions of Fed.R.Civ.P., Rule 30, The B.F. Goodrich Company ("BFG"), a defendant in the captioned action, will, by its attorneys, Morrison, Mahoney & Miller, take the deposition upon oral examination of The Monsanto Company, by the person having charge of its records, at the offices of Morrison, Mahoney & Miller, 1145 Main Street, Springfield, Massachusetts, at 10:00 AM on Wednesday, May 2, 1990 before an officer authorized by law to administer oaths. The oral examination will continue from day to day until completed.

000181

The deponent is required to bring to the deposition the following documents:

- A. the complete employment records of John H. Warren, including but not limited to all attendance records, applications, pay stubs, tax records, disciplinary records, evaluations, accident records or infirmity or health care records;
- B. all literature (including but not limited to correspondence, memoranda, booklets, brochures, flyers, pictures, diagrams, photographs, films, video or audio tapes) pertaining to worker safety or chemical exposure made available to John H. Warren during his employment by Monsanto;
- C. all invoices, receipts, ledgers or other records (whether physically or electronically recorded) memorializing the purchase, delivery, storage or utilization of vinyl chloride utilized at the Springfield facility between January 1, 1947 and January 1, 1983, inclusive;
- D. any and all charts or diagrams or documents of whatever description memorializing or depicting the corporate structure of Monsanto between January 1, 1947 and January 1, 1983, inclusive;
- E. any and all documents in the possession of Monsanto or of any of its agents, officers, employees, directors or servants between January 1, 1947 and January 1, 1983, inclusive (whether physically or electronically recorded) which memorialize, relate or refer to:
 - 1) any information with regard to the physical or health effects of exposure to vinyl chloride;
 - 2) any information with regard to the physical or health effects of exposure to any chemicals to which John H. Warren was exposed (other than vinyl chloride) during his employment with Monsanto;

File Memo to Warren/Dow from JHT: 2/22/90

I spoke to Eunice Trevor (215) 665-1600. She's done a lot of toxic tort work and presently has a PVC case in which she has learned that the chemical manufacturing companies knew for some time that this vinyl chloride was a dangerous product and sought to suppress that information at some point--at least the Chemical Society in the United States and the Chemical Society in Europe tried to suppress it. She's going to provide us with that data. In addition, she will give us the name of the industrial hygienist she plans to use in the case. She intends to use one to show that there were safety steps that could have been taken in regard to this material and that certain warnings should have been given concerning it. We may want to use a hygienist as well considering the nature of the case. She also was able to obtain records of shipment from the defendants which showed they had shipped the materials to Firestone, where her employee was injured.

Her expert is one George Stanton and he is located in New Jersey.

JHT/sw

8692Z

000188

List of materials compiled for deposition hearing, scheduled for May 9, 1990, Springfield, MA. (Warren v Dow et al)

- 1 NONE
2. a) Monsanto-Springfield Control Laboratory Safety Manuals
1962: Vinyl Chloride Monomer Handling
Section III, pgs. 10-12.
1968: Vinyl Chloride Monomer Handling
Section VG, pgs. 9-13.

b) Vinyl Chloride Monomer Testing, East Control
Laboratory. Personal notes, RGG. Undated. pgs
11-21. (Probably after 1967.)
3. a) Airview of Monsanto Springfield plant, undated.
Probably early 1970's. White dust on large
warehouse and 85 Bldg. identified as PVC dust.

b) Photocopy of photo appearing in Monsanto local
publication (The Santonian) 1975: dismantling of
VC flare stack.

c) VCM in groundwater- Monsanto -EPA report:
SAMPLING TRIP REPORT MONSANTO CORP. INDIAN
ORCHARD PLANT SPRINGFIELD MASS. July 1988.
16 pgs. Note pgs. 3,4,5 and 8. (20 ug/l found
vs. 2 ug/l EPA standard.)

d), e) Monsanto maps.
4. a) The Story of Monsanto: FAITH, HOPE & \$5,000.
The Trials and Triumphs of the First 75
Years. Dan J. Forrestal, Simon & Schuster
1977. 285 pgs. (Index lists neither VC
or VC. Product index, by decades, does
not include VCM.

b) Monsanto-Springfield "Scrap-Book", prepared by
Personnel Director Paul Bureau, March 1982. PR.

c) Transcript - "OSHA" June 13, 1975. P. Friedland
WG BY TV Chl. 40. Springfield, MA.

Warren v Dow Matls- 2

5. NONE

6. a) VC Exposure documents: OSHA, NIOSH, Monsanto.
OSHA - July 11, 1974, 64 pages. Analyst work
and Sample ID sheets. E. Freedman, I.H.
May 7, 1975, 60 pgs. J. Lewine, I.H.
NIOSH - April 19, 1974. Trip Report - Monsanto
² Indian Orchard Plant. James H. Jones,
I.H., 4 pgs. Includes results from sus-
pension and paste resin PVC areas.
Monsanto - March 1, 1974 Status Report on VCM
³ Health Issue. R.L. Bourget to PVC Per-
sonnel. 3 pgs.

May 7, 1975. VCM exposure listed in
history provided to PVC worker.

August 1974. VC air samples reported
from Control Lab in excess of 50 ppm.
From S/H notebook, RGG.

→ May 16, 1975. Gendron vs VCM
1422243.

7. a) Suppliers of VCM to Monsanto-Springfield:
Tank car identifications, from E.
Control Lab data sheets, 1968, 1969.
(Monsanto, Dow, Conco (sic), Good-
rich). Recorded by RGG in S/H note-
book, while pursuing right-to-know
information for an OSHA complaint,
and citation follow-up.

000165

WORK HISTORY

RUTH GRIFFITH

<u>Department</u>	<u>Job</u>		
East Control Lab	Lab Assistant	04/26/68	04/26/68
East Control Lab	Lab Analyst	06/30/68	06/30/68
East Control Lab	Senior Lab Analyst	02/09/68	02/09/68
---	QA	01/25/68	01/25/68
East Control Lab	Lead Analyst	03/08/68	03/08/68
East Control Lab	Lab Analyst A	01/02/67	01/02/67
Saflex Control Lab	Lab Analyst	07/04/60	07/04/60
East Control Lab	Lab Assistant	01/21/67	01/21/67
Saflex Control Lab	Lab Analyst	02/07/67	02/07/67
Saflex Control Lab	Quality Control Analyst	09/26/67	09/26/67

DEPARTMENT: PLANT LABORATORIES

JOB TITLE: LABORATORY ASSISTANT

O.C. 253

JOB DESCRIPTION:

Performs all routine chemical, physical and electrical tests according to established standard or written procedures or their equivalent on new, raw, in process, finished, or scrap materials and special services. Tests will generally be of a standard repetitive nature. Sets up laboratory apparatus, prepares samples, performs tests or analyses, as assigned. Uses variety of laboratory apparatus to determine chemical, physical and electrical properties of samples, as required. Standardizes reagents occasionally, if necessary. Records and reports all test results including night shift operations, as required, in log books or on forms provided. Results of tests are subject to check by supervision before going out to production. Performs associated calculations, as required. Obtains samples, or solvents and supplies, when necessary. Cleans and arranges equipment and working area to meet laboratory standards. Occasionally exposed to outside weather conditions. Works on night shift without direct supervision.

Rev. 12-5-

Rev. 10-2-66

DEPARTMENT: PLANT LABORATORIES

JOB TITLE: ANALYST A O.C. 253

JOB DESCRIPTION:

Performs all routine chemical, physical and electrical tests following standard or written procedures, or their equivalent, on new, raw, in-process, finished or scrap materials and special services. Sets up a variety of laboratory apparatus to perform tests or analyses, prepares samples, and determines necessary sample properties. Under direction of the Lead Analyst handles standardization of chemical solutions, re-agents, laboratory instruments, required checks in laboratory subdivision and at production test benches. Records and reports all test results as necessary. Performs all associated calculations. Assists in the training of new laboratory personnel and/or others as designated. Obtains samples, solvents, and supplies. Cleans and arranges equipment and working area to meet laboratory standards. Works on night shift without direct supervision.

000138

2/11/53 7-11-2-66

DEPARTMENT: PLANT LABORATORIES

JOB TITLE: SENIOR ANALYST

O.C. 481

JOB DESCRIPTION:

Performs all duties assigned to laboratory assistants and in addition, handles standardization of chemical solutions, laboratory instruments and other required checks in laboratory subdivisions and at production test benches. Performs specialized, low volume frequency tests in order to maintain a high degree of precision and familiarity with such operations. Runs tests on which verbal instructions, in lieu of written standard procedures, may be used. Assists in the training of new laboratory personnel and/or others as may be designated. Writes reports on any required phase of analytical work, charts data and makes calculations of simple control limits. Observes or personally takes samples that may be required by laboratory supervision. Cleans and arranges equipment and work area to meet laboratory standards. Occasionally exposed to outside weather conditions.

000189